

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

ONE (1) 2012 HONDA MOTORCYCLE,
COLOR: RED, MODEL: XR650L, VIN
JH2RD0605CK900864, PLATE NO. 244045,
REGISTERED TO THE NAME OF JAVIER
RODRIGUEZ-VILLEGAS,

Defendant.

CIVIL NO. 18-

VERIFIED COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico; Hector E. Ramirez-Carbo, Assistant United States Attorney, Chief, Civil Division and Maritza González, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G (2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action in rem brought to enforce the provisions of 21 U.S.C. §881 (4) and §841.

DEFENDANT IN REM

2. The defendant property seized by United States Drug Enforcement Administration (“DEA”) agents consists of: One (1) 2012 Honda motorcycle, Color: Red, Model: XR650L,

VIN JH2RD0605CK900864, Plate No. 244045, Registered to the name of Javier Rodriguez-Villegas.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to 21 U.S.C. §§881 (4) and 841.
4. This Court has in rem jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355 (b) (1) (A) (acts and omissions giving rise to the forfeiture occurred in this district) and § 1355 (b) (1) (B) (the defendant property is found in this district).
5. Venue is proper in this district pursuant to 28 U.S.C. §1355 (b) (1) (A) (acts and omissions giving rise to the forfeiture occurred in this district) and §1395 (the defendant property is found in this district).

BASIS FOR FORFEITURE

- a. This is a civil action in rem brought to enforce the provisions of 21 U.S.C. §881 (a) (4) - Forfeitures and §841 – Prohibited acts A - Possessing with intent to distribute controlled substance.

FACTS

6. The facts and circumstances supporting the seizure and forfeiture of the defendant property are contained in the 28 U.S.C. §1746 unsworn declaration of the DEA, Special Agent, Jose Rebollo attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant property

condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 1st day of August 2018.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

s/ Hector E. Ramirez-Carbo
Hector E. Ramirez-Carbo
Assistant U.S. Attorney
Chief, Civil Division
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OS/M Gonzalez
Maritza González-Rivera
Assistant U.S. Attorney
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Fax. (787) 771 4050
Maritza.gonzalez@usdoj.gov

VERIFIED DECLARATION

I, Maritza González, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by 28 U.S.C. §1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the DEA; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 1st day of ~~July~~^{August} 2018.

OS/M Gonzalez

Maritza González-Rivera
Assistant U.S. Attorney

VERIFIED DECLARATION

I, Jose Rebollo, DEA, declare as provided by 28 U.S.C. §1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 1st day of ~~July~~^{August} 2018.

J. Rebollo

Jose Rebollo
Special Agent
DEA

UNSWORN DECLARATION
IN SUPPORT OF FORFEITURE COMPLAINT

INTRODUCTION

Pursuant to Title 28, United States Code, Section 1746, I, Jose Rebollo, Special Agent, of the United States Department of Justice, Drug Enforcement Administration (DEA), declare under penalty of perjury that the foregoing is true and correct:

I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7). I am, therefore, an officer who is empowered to conduct criminal investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section, 2516.

I have been a Special Agent with the DEA for since April 2015. As a Special Agent, I have been sworn to enforce the laws of Title 21, United States Code, and related offenses under Title 18, United States Code. I have received sixteen weeks of training at the DEA Academy at Quantico, VA. I am currently assigned to the Caribbean Division, San Juan, Puerto Rico (Enforcement Group I).

During my law enforcement career, I have received detailed instruction in and conducted various complex investigations concerning conspiracy to import and distribute controlled substances; the laundering and concealment of drug proceeds; and the illegal use of communication facilities by drug traffickers in furtherance of their criminal activities.

BASIS FOR FACTS CONTAINED IN THIS UNSWORN DECLARATION

I make this unsworn declaration, on information and belief derived from the following source,

- A. Oral and/or written reports and documents about this and other federal agents or officers of Puerto Rico Police Department (PRPD);
- B. and for the limited purpose of supporting the forfeiture of property under the U.S. forfeiture laws and therefore have not included every detail of the investigation in this case.

PROPERTY TO BE SUBJECT FOR FORFEITURE

One 2012 Honda XR650L Motorcycle, plate number 244045M (the 2012 Honda)

NARRATIVE OS THE EVENTS

On February 13, 2018, Puerto Rico Police Department Agents and DEA law enforcement officers were executing several Commonwealth of Puerto Rico Search Warrants for residences and "stash houses" on Barriada Figueroa, Santurce, Puerto Rico. DEA personnel participated in this operation, based on an ongoing investigation between DEA and the PRPD of the drug distribution point, operating at Barriada Figueroa, located in San Juan, Puerto Rico.

During this operation, DEA TFO Juan Ruiz and TFO Olga Tapia, observed several motorcycles all terrain in an abandoned residence at Blanca's street, in the drug distribution point, located at Barriada Figueroa, including, including a 2012 Honda XR650L Motorcycle, plate number 244045M (subject property). The referred abandoned residence previously identified by a DEA Confidential Source as a "stash house" used to as a warehouse to store packages with drugs that were to later be sold at the drug distribution point.

A DEA Confidential Source had described the referred motorcycles during his/her debriefing on February 9, 2018. According to the information provided by the CS, a man identified as Tomas Junior Sanchez-Gonzalez bought several all-terrain vehicles on or about December, 2017, to use them to distribute drugs, and transport currency and weapons at the drug distribution point in Barriada Figueroa.

Upon observing the property at the abandoned residence at Blanca's street, TFOs agents requested the assistance of the K-9 Units. PRPD K-9 handler Agent Cruz Cervera, Badge number 28459 and PRPD K-9 "Sandra", Badge number 33839, verified the referred area. PRPD K-9 "Sandra" is detector dog trained to alert to firearms. PRPD K-9 "Sandra" alerted positive at the glove compartment of several motorcycles. Then, TFO Juan Ruiz verified the glove compartment of the 2012 Honda, which was parked in the public area of Barriada Figueroa, and found approximately 60 grams of marijuana. The

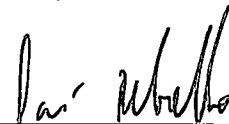
2012 Honda was administratively seized by DEA Agents, as property used to facilitate drug trafficking and money laundering offences pursuant to Title 21, United States Code, Section 881(a)(4).

As part of the administrative forfeiture for the 2012 Honda, a person by the name of Walkiria Grullon-Rodriguez (Grullon-Rodriguez) submitted a claim asserting her interest in the vehicle. Nevertheless, Grullon-Rodriguez was arrested on June 29, 2018 for narcotics violations under Title 21, United States Code, Sections 841 (a)(1), 846 and weapons violations pursuant to Title 18, United States Code, Section (c). Grullon-Rodriguez was indicted by a Grand Jury sitting in the District of Puerto Rico for her participation in the DTO in criminal case 18-0413 (ADC) on June 22, 2018, as part of DEA's "Operation La Familia".

Grullon-Rodriguez was indicted for her role of "runner" in the Barriada Figueroa DTO. As a "runner" she was responsible for distributing drugs through the Barriada Figueroa drug points.

Based on these facts, the undersigned respectfully submits that the 2012 Honda is forfeitable as facilitating property under Title 21, United States Code, Section 881(a)(4).

Sworn and signed under penalty of perjury, pursuant to Title 28, United States Code, Section 1746, in San Juan, Puerto Rico, August 1, 2018.



JOSE REBOLLO
Special Agent

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Maritza González-Rivera, AUSA, 350 Carlos Chardon Ave, Suite 1201, Hato Rey, PR 00918

DEFENDANTS

One (1) 2012 Honda motorcycle, Color: Red, Model: XR650L, VIN JH2RD0605CK900864, Plate No. 244045, Registered to the name of Javier Rodriguez-Villega,

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Title 21, United States Code, Section 881(a)(4).

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/01/2018

SIGNATURE OF ATTORNEY OF RECORD

s/Maritza González

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____


United States District Court for the District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

U.S. v. One (1) 2012 Honda motorcycle, Color: Red, Model: XR650L, VIN JH2RD0605CK900864, Plate No. 244045, Registered to the name of Javier Rodriguez-Villegas.

2. Category in which case belongs: (See Local Rules)

<input checked="" type="checkbox"/>	ORDINARY CIVIL CASE	<input type="checkbox"/>	CIVIL FORFEITURE
<input type="checkbox"/>	SOCIAL SECURITY		
<input type="checkbox"/>	BANK CASE		
<input type="checkbox"/>	INJUNCTION		

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒ NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒ NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒ NO

(Please Print)

USDC ATTORNEY'S ID NO.

USDC # 208801

ATTORNEY'S NAME:

Maritza González-Rivera

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

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